

Nos. 2015-1016, -1018, -1019

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

PROFECTUS TECHNOLOGY LLC,

Plaintiff-Appellant,

v.

HUAWEI TECHNOLOGIES CO., LTD., HUAWEI TECHNOLOGIES USA, INC., HUAWEI DEVICE USA, INC., FUTUREWEI TECHNOLOGIES, INC., DELL INC., APPLE INC., SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, SAMSUNG ELECTRONICS AMERICA, INC., MOTOROLA MOBILITY LLC, HEWLETT-PACKARD COMPANY, AND HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.,

Defendants-Appellees.

Appeals from the United States District Court
for the Eastern District of Texas in Case Nos. 11-cv-00474, 11-cv-00674, and
11-cv-00676, Judge Michael H. Schneider

**APPELLEES' UNOPPOSED MOTION FOR A 60-DAY
EXTENSION OF TIME TO FILE RESPONSIVE BRIEFING**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Defendants-Appellees Apple Inc., Dell Inc., Hewlett-Packard Company, Hewlett-Packard Development Company, L.P., Motorola Mobility LLC, and Samsung Electronics America, Inc. (together "Appellees") respectfully request an extension of sixty (60) days to file their responsive briefing.¹ Appellees' responsive briefing is currently due on or before Friday, March 20, 2015. The extension sought herein would extend the due date for Appellees' responsive briefing to Tuesday, May 19, 2015.

¹ As of January 1, 2015, Appellee Samsung Telecommunications America, LLC merged with Appellee Samsung Electronics America, Inc., and no longer exists.

Appellees have not sought or received any previous extension of time with respect to their responsive briefing. Appellees have conferred with counsel for Appellant and are authorized to state that Appellant does not oppose this Motion and will not file a response. As set forth in the accompanying declaration of counsel, there is good cause for an extension of the time within which Appellees may file their responsive briefing. Appellees request the additional time to accommodate the professional obligations of counsel and to allow Appellees to attempt to coordinate their filings to reduce the burden on the Court.

For the foregoing reasons, Appellees respectfully request that the Court grant their unopposed motion.

Dated: February 18, 2015

Respectfully submitted,

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/s/ Lauren B. Fletcher
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*Counsel for Defendants-Appellees
Hewlett-Packard Company, Hewlett-
Packard Development Company, L.P.*

CERTIFICATE OF INTEREST

Counsel for Defendant-Appellee Apple Inc. certifies the following:

1. The full name of every party or *amicus* represented by us is:

Apple Inc.

2. The names of the real party in interest represented by us is:

Apple Inc.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or *amicus curiae* represented by me are:

None

4. The names of all law firms and the partners or associates that appeared for the party or *amicus* now represented by me in the trial court or agency or are expected to appear in this court are:

COOLEY LLP: Timothy S. Teter, Matthew J. Brigham, Benjamin G. Damstedt, Priya B. Viswanath

GILLAM & SMITH, LLP: Melissa R. Smith

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI LLP: Lou Brucculeri, Susan K. Knoll, Stephen E. Edwards, Keana T. Taylor

WILMER CUTLER PICKERING HALE AND DORR LLP: Brittany Blueitt Amadi, Lauren B. Fletcher, William F. Lee, Kevin M. Yurkerwich

Dated: February 18, 2015

/s/ *Lauren B. Fletcher*

Lauren B. Fletcher

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HALE AND DORR LLP

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CERTIFICATE OF INTEREST

Counsel for Defendants-Appellees Samsung Telecommunications America, LLC, and Samsung Electronics America, Inc. certifies the following:

1. The full name of every party or *amicus* represented by us is:

Samsung Electronics America, Inc. (“SEA”).

2. The names of the real party in interest represented by us is:

Effective January 1, 2015, the real party in interest for Samsung Telecommunications America, LLC is Samsung Electronics America, Inc..

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or *amicus curiae* represented by me are:

Samsung Telecommunications America, LLC and Samsung Electronics America, Inc. have merged effective January 1, 2015 and the combined entity, Samsung Electronics America, Inc., is a wholly owned subsidiary of Samsung Electronics Co. Ltd.

4. The names of all law firms and the partners or associates that appeared for the party or *amicus* now represented by me in the trial court or agency or are expected to appear in this court are:

FISH & RICHARDSON P.C.: Michael J. McKeon, Ahmed J. Davis, John S. Goetz, Karolina Jesien

Dated: February 18, 2015

/s/ Ahmed J. Davis
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CERTIFICATE OF INTEREST

Counsel for Defendant-Appellee Dell Inc. certifies the following:

1. The full name of every party or *amicus* represented by us is:

Dell Inc.

2. The names of the real party in interest represented by us is:

None

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or *amicus curiae* represented by me are:

Denali Intermediate Inc.

4. The names of all law firms and the partners or associates that appeared for the party or *amicus* now represented by me in the trial court or agency or are expected to appear in this court are:

BAKER BOTTs LLP: Roger Joseph Fulghum, Christopher Scott Ponder, Kevin Eugene Cadwell, M. Natalie Alfaro, Tammy Pennington Rhodes, and Michael Aaron Hawes

THE DACUS FIRM, PC: Deron R. Dacus, Peter Aaron Kerr, and Shannon Marie Dacus

Dated: February 18, 2015

/s/ Roger J. Fulghum

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CERTIFICATE OF INTEREST

Counsel for Defendant-Appellee Motorola Mobility LLC certifies the following:

1. The full name of every party or *amicus* represented by us is:

Motorola Mobility LLC

2. The names of the real party in interest represented by us is:

Motorola Mobility LLC

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or *amicus curiae* represented by me are:

Lenovo Group Limited

4. The names of all law firms and the partners or associates that appeared for the party or *amicus* now represented by me in the trial court or agency or are expected to appear in this court are:

WINSTON & STRAWN LLP: Jonathan E. Restsky, Ivan M. Poullaos, George C. Lombardi, Kurt A. Mathas, Kevin A. Keeling

POTTER MINTON P.C.: Michael E. Jones

Dated: February 18, 2015

/s/ *Ivan M. Poullaos*

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CERTIFICATE OF INTEREST

Counsel for Defendants-Appellees Hewlett-Packard Company, Hewlett-Packard Development Company, L.P. certifies the following:

1. The full name of every party or *amicus* represented by us is:

Hewlett-Packard Company, Hewlett-Packard Development Company, L.P.

2. The names of the real party in interest represented by us is:

Not Applicable.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or *amicus curiae* represented by me are:

None.

4. The names of all law firms and the partners or associates that appeared for the party or *amicus* now represented by me in the trial court or agency or are expected to appear in this court are:

FEINBERG DAY ALBERTI & THOMPSON LLP: Nickolas Bohl, and Margaret Elizabeth Day

Dated: February 18, 2015

/s/ Nickolas Bohl
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Defendants-Appellees.

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11-cv-00676, Judge Michael H. Schneider

**DECLARATION OF LAUREN B. FLETCHER IN SUPPORT OF
APPELLEES' UNOPPOSED MOTION FOR A 60-DAY
EXTENSION OF TIME TO FILE RESPONSIVE BRIEFING**

1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”), counsel to Appellee Apple Inc. (“Apple”) in this appeal. I am submitting this declaration of counsel in support of Appellees’ Motion for a 60-Day Extension of Time to File Responsive Briefing.

2. Under the current briefing schedule, Appellees must file their responsive briefing on or before Friday, March 20, 2015. Appellees respectfully request an extension of sixty (60) days, until Tuesday, May 19, 2015, to file their responsive briefing.

3. Appellees have not sought or received any previous extension of time with respect to their responsive briefing.

4. There are five unrelated Appellees in this case, each of which are accused of infringement based on the sale of different products. The additional time requested herein is requested to accommodate the professional obligations of counsel and to allow Appellees sufficient time to attempt to coordinate their responsive briefing to reduce the burden on the Court.

5. Pursuant to Federal Circuit Rule 27(a)(5), we have conferred with counsel for Appellant Profectus Technologies, LLC regarding this Motion, who represented that Appellant does not oppose this Motion and will not file a response.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 18, 2015

/s/ Lauren B. Fletcher

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Defendants-Appellees.

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11-cv-00676, Judge Michael H. Schneider

ORDER

Upon consideration of Appellees' Unopposed Motion For A 60-Day Extension of Time To File Responsive Briefing, IT IS HEREBY ORDERED THAT:

The motion is granted. Appellees' Responsive Briefing is to be filed on or before May 19, 2015.

Dated: _____, 2015

ECF-3(B)(2) REPRESENTATION

Pursuant to this Court's Administrative Order Regarding Electronic Case Filing, the undersigned represents under ECF-3(b)(2) that counsel for Defendants-Appellees Dell Inc., Hewlett-Packard Company, Hewlett-Packard Development Company, L.P., Motorola Mobility LLC, and Samsung Electronics America, Inc. have consented to their signatures on the Certificates of Interest and this Unopposed Motion for a 60-Day Extension of Time to File Responsive Briefing.

Dated: February 18, 2015

/s/ *Lauren B. Fletcher*

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing Appellees' Unopposed Motion for a 60-Day Extension of Time to File Responsive Briefing with the Clerk of the United States Court of Appeals for the Federal Circuit via the CM/ECF system this 18th day of February, 2015, and served a copy on counsel of record by the CM/ECF system.

/s/ *Lauren B. Fletcher*

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